

FOR IMMEDIATE RELEASE
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Contact: Pamela Sakowicz Menaker
Phone: 312-899-9090
Email: pammenaker@cliffordlaw.com



CLIFFORD® LAW OFFICES
NEWS

Clifford Law Offices Obtains \$22.9 Million Settlement on Behalf of Brain Damaged Infant

CHICAGO, IL (March 2019) – Robert A. Clifford, Keith A. Hebeisen and Sarah F. King of Clifford Law Offices obtained final approval in the Probate Division of the Circuit Court of Cook County on Mar. 8, 2019 of a combined \$22.9 million settlement on behalf of a child who sustained a severe and permanent brain injury due to lack of oxygen to his organs during labor and delivery.

The United States government and a Chicago area medical center have agreed to pay a combined \$22.9 million to the family in what is believed to be one of the United States District Court Northern District of Illinois' largest in a birth injury case. The settlement was reached through an on-going pre-trial conference with Magistrate Judge Jeffrey Cole and approval by Judge Virginia M. Kendall.

The family arrived at the Chicago area medical center on Jan. 4, 2014, for the birth of their first child. The mother's labor was managed by a government employed nurse midwife with the assistance of hospital nursing staff and under the supervision of a physician. After nearly 14 hours of labor, the baby boy was born floppy, with blue coloration and required intubation because he could not breathe on his own. He was transferred to Rush University Medical Center NICU for life-saving treatment.

A brain MRI performed when the baby was five days old demonstrated evidence of a severe-profound perinatal hypoxic-ischemic brain injury. He was diagnosed with spastic cerebral palsy and has global disabilities including the inability to walk, motor and speech delays and cognitive impairment. He suffers from on-going seizures and visual impairment as a result of the brain injury.

"This baby's injury was completely preventable. Instead of alerting a physician and advocating for a C-section, the midwife and nursing staff involved ignored clear signs that this baby was in distress. The mom was contracting too fast and the baby's brain was being injured with every contraction. Yet, they instructed her to keep pushing and pushing. This went on for over two hours before the nurses ever called for help," King said.

The suit was filed in the Northern District of Illinois under the Federal Tort Claims Act, with supplemental jurisdiction exercised over the state court defendants. The allegations centered on the failure of the nursing and midwifery staff to contact a physician for help or advocate for a C-section despite signs of fetal distress and abnormal fetal and maternal heart rates.

"Mid-level providers have to know and respect their limits. This case is an example of the tragedy that can occur when a provider refuses to recognize that her patient's condition has ventured far outside of her scope of practice," Hebeisen said.

The complaint also alleged that once called, government employed physicians further delayed delivery by failing to move immediately to a C-section and performing a barbaric "rectal assistance" procedure which was characterized as "barbaric" and causing nothing but harm to the child.

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Regarding the settlement, Clifford, founder and senior partner at the firm, stated, “These healthcare providers failed to give this wonderful family the help deserved, and it dramatically changed the course of their lives. This settlement will provide them the help they now require to make it through each day.”

The amount of the settlement will allow the family to hire 24-7 in-home nursing care and to cover the cost of mobility, therapy and much needed communication and feeding devices.

The identity of the parties other than the United States is confidential.

About Clifford Law Offices

Clifford Law Offices is ranked one of the top law firms in Illinois as well as in the country in the area of complex personal injury and wrongful death cases such as medical malpractice, aviation litigation, products liability, premises liability and transportation litigation. It also has developed a reputation in class action litigation and whistleblower cases as well as commercial litigation cases. <http://www.cliffordlaw.com>